

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-176168

DATE: FEB 13 1975

MATTER OF: Mitchell J. Sabagh - Restoration of forfeited annual
leave under Public Law 93-181

DIGEST: Employee who received lump-sum leave payment upon separation was reemployed prior to expiration of period covered by leave. Agency withheld recredit of such leave until installment payments covering excess lump-sum payment was completed and employee forfeited 89 hours of leave when his leave record was reconstructed as of date of reemployment. Agency's determination not to restore leave is affirmed since it was held in B-176168, September 1, 1972, that leave was primarily forfeited through employee's delay in refunding excess lump-sum leave payment and there is no additional evidence to show administrative error warranting recrediting under provisions of Public Law 93-181.

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548



FILE: B-182608

DATE: FEB 27 1975

MATTER OF: Arden D. Haeffner - Annual leave restoration -
Administrative error

DIGEST: Employee resigned August 18, 1973, and forfeited 93 hours of annual leave in excess of maximum amount payable in lump sum under 5 U.S.C. §5551(a). Claim for payment for lost leave on basis that agency failure to inform employee of limitation is administrative error under Public Law No. 93-181, is denied since act provides relief only for annual leave lost by operation of 5 U.S.C. §6304, which limits annual leave carryover to new leave year. However, if employee's separation is determined by his agency not to be in conformance with established agency policy, applicable regulations, or intent of parties, no objection would be made to employee's restoration to rolls for purposes of payment of leave.

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Remarks: Attached for your perusal are digests of some fairly recent opinions of the Comptroller General dealing primarily with administrative error and P.L. 93-181 (restoration of annual leave). (Code sections cited are 5 U.S.C. 5344, 5551 and 6304.) I have the full opinions and will be glad to send you copies of any one - or all - if you so desire. <div style="text-align: center;"></div> <div style="text-align: center;">Assistant General Counsel</div>			
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